

**MONDAY, MAY 2, 2011**

**TWENTY-NINTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Reverend Perry Coghlan of Parish Presbyterian Church in Franklin, Tennessee, a guest of Senator Ketron.

**PLEDGE OF ALLEGIANCE**

Senator Ketron led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

**STANDING COMMITTEE REPORT**

**STATE AND LOCAL GOVERNMENT**

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 870 with amendment.

YAGER, Chairperson  
May 2, 2011

The Speaker announced that he had referred Senate Bill No. 870 with amendment to the Committee on Calendar.

**MOTION**

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bill No. 171** be passed on first consideration, which motion prevailed.

**HOUSE BILL ON FIRST CONSIDERATION**

The Speaker announced that the following House Bill was transmitted to the Senate and passed first consideration:

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**House Bill No. 171** -- Forfeiture of Assets -- As introduced, provides that real and personal property used in commission of human trafficking offenses is subject to judicial forfeiture seizure and provides for disposition of funds from forfeited assets. Amends TCA Title 39, Chapter 11, Part 7 and Title 39, Chapter 13, Part 3.

### **MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 308 through 313** be passed on first consideration and lie over, which motion prevailed.

### **INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 308** by Senator McNally; Mr. Speaker Ramsey; and Senators Campfield, Ketron and Overbey.  
Memorials, Retirement -- Jamie Woodson.

**Senate Joint Resolution No. 309** by Senator Beavers.  
Memorials, Academic Achievement -- Caleb Wagler, Salutatorian, Mt. Juliet Christian Academy.

**Senate Joint Resolution No. 310** by Senator Beavers.  
Memorials, Academic Achievement -- Ashley Reed, Valedictorian, Mt. Juliet Christian Academy.

**Senate Joint Resolution No. 311** by Senator Tracy.  
Memorials, Interns -- Kara Elise Gallagher.

**Senate Joint Resolution No. 312** by Senator Tracy.  
Memorials, Interns -- Timothy Sigler.

**Senate Joint Resolution No. 313** by Senator Overbey.  
Memorials, Academic Achievement -- Courtney Cato, Salutatorian, Heritage High School.

### **MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 330 through 339 and 341 through 349; Senate Joint Resolutions Nos. 296 through 307; and Senate Resolutions Nos. 31 through 35** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

### **RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**House Joint Resolution No. 330** -- Memorials, Personal Achievement -- Grant Wilson, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 330 to the Committee on Calendar.

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**House Joint Resolution No. 331** -- Memorials, Personal Achievement -- Aaron Davis, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 331 to the Committee on Calendar.

**House Joint Resolution No. 332** -- Memorials, Sports -- Lake County High School boys' basketball team, TSSAA Class A State Champions.

The Speaker announced that he had referred House Joint Resolution No. 332 to the Committee on Calendar.

**House Joint Resolution No. 333** -- Memorials, Academic Achievement -- Nate Chapman, Valedictorian, Sequoyah High School.

The Speaker announced that he had referred House Joint Resolution No. 333 to the Committee on Calendar.

**House Joint Resolution No. 334** -- Memorials, Academic Achievement -- Samuel Jerolds, Valedictorian, Sequoyah High School.

The Speaker announced that he had referred House Joint Resolution No. 334 to the Committee on Calendar.

**House Joint Resolution No. 335** -- Memorials, Academic Achievement -- Candace Cline, Valedictorian, Hixson High School.

The Speaker announced that he had referred House Joint Resolution No. 335 to the Committee on Calendar.

**House Joint Resolution No. 336** -- Memorials, Public Service -- David Gichner.

The Speaker announced that he had referred House Joint Resolution No. 336 to the Committee on Calendar.

**House Joint Resolution No. 337** -- Memorials, Death -- Thomas "Tom" Raymond Karcher.

The Speaker announced that he had referred House Joint Resolution No. 337 to the Committee on Calendar.

**House Joint Resolution No. 338** -- Memorials, Sports -- Fayette Academy Lady Vikings basketball team.

The Speaker announced that he had referred House Joint Resolution No. 338 to the Committee on Calendar.

**House Joint Resolution No. 339** -- Memorials, Personal Occasion -- Mabel Hunter McDole, 100th birthday.

The Speaker announced that he had referred House Joint Resolution No. 339 to the Committee on Calendar.

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**House Joint Resolution No. 341** -- Memorials, Academic Achievement -- Gennifer Michelle Goad, Salutatorian, Dickson County High School.

The Speaker announced that he had referred House Joint Resolution No. 341 to the Committee on Calendar.

**House Joint Resolution No. 342** -- Memorials, Academic Achievement -- Clifton Wade Long, Valedictorian, Dickson County High School.

The Speaker announced that he had referred House Joint Resolution No. 342 to the Committee on Calendar.

**House Joint Resolution No. 343** -- Memorials, Recognition -- Samuel L. Ford.

The Speaker announced that he had referred House Joint Resolution No. 343 to the Committee on Calendar.

**House Joint Resolution No. 344** -- Memorials, Academic Achievement -- Eathan J. Gentry, 2011 Stan and Thelma Plumlee Scholarship.

The Speaker announced that he had referred House Joint Resolution No. 344 to the Committee on Calendar.

**House Joint Resolution No. 345** -- Memorials, Retirement -- Dick Blackburn.

The Speaker announced that he had referred House Joint Resolution No. 345 to the Committee on Calendar.

**House Joint Resolution No. 346** -- Memorials, Retirement -- Mary Hardy.

The Speaker announced that he had referred House Joint Resolution No. 346 to the Committee on Calendar.

**House Joint Resolution No. 347** -- Memorials, Retirement -- Essie Lee Murphy-Richardson.

The Speaker announced that he had referred House Joint Resolution No. 347 to the Committee on Calendar.

**House Joint Resolution No. 348** -- Memorials, Retirement -- Betty Jean McKissack-McDaniel.

The Speaker announced that he had referred House Joint Resolution No. 348 to the Committee on Calendar.

**House Joint Resolution No. 349** -- Memorials, Death -- Bill Henard.

The Speaker announced that he had referred House Joint Resolution No. 349 to the Committee on Calendar.

**Senate Joint Resolution No. 296** -- Memorials, Academic Achievement -- Katelyn Jasmine Eager, Salutatorian, Kingsbury High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 296 to the Committee on Calendar.

**Senate Joint Resolution No. 297** -- Memorials, Academic Achievement -- Chawan Jaafer Rasheed, Valedictorian, Kingsbury High School.

The Speaker announced that he had referred Senate Joint Resolution No. 297 to the Committee on Calendar.

**Senate Joint Resolution No. 298** -- Memorials, Academic Achievement -- Bryan Castor, Salutatorian, Raleigh-Egypt High School.

The Speaker announced that he had referred Senate Joint Resolution No. 298 to the Committee on Calendar.

**Senate Joint Resolution No. 299** -- Memorials, Academic Achievement -- Alesha Nolen, Valedictorian, Raleigh-Egypt High School.

The Speaker announced that he had referred Senate Joint Resolution No. 299 to the Committee on Calendar.

**Senate Joint Resolution No. 300** -- Memorials, Academic Achievement -- Patrick Paul Grady, Valedictorian, Clarksville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 300 to the Committee on Calendar.

**Senate Joint Resolution No. 301** -- Memorials, Academic Achievement -- Rain Forrest Dartt, Valedictorian, Clarksville High School.

The Speaker announced that he had referred Senate Joint Resolution No. 301 to the Committee on Calendar.

**Senate Joint Resolution No. 302** -- Memorials, Recognition -- Pink Palace Family of Museums.

The Speaker announced that he had referred Senate Joint Resolution No. 302 to the Committee on Calendar.

**Senate Joint Resolution No. 303** -- Memorials, Interns -- Matthew Meinel.

The Speaker announced that he had referred Senate Joint Resolution No. 303 to the Committee on Calendar.

**Senate Joint Resolution No. 304** -- Memorials, Interns -- Samantha Ferrell.

The Speaker announced that he had referred Senate Joint Resolution No. 304 to the Committee on Calendar.

**Senate Joint Resolution No. 305** -- Memorials, Academic Achievement -- Brody Cook, Valedictorian, Pickett County High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 305 to the Committee on Calendar.

**Senate Joint Resolution No. 306** -- Memorials, Academic Achievement -- Donna Beaty, Salutatorian, Pickett County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 306 to the Committee on Calendar.

**Senate Joint Resolution No. 307** -- Memorials, Academic Achievement -- Sarah Branham, Valedictorian, Pickett County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 307 to the Committee on Calendar.

**Senate Resolution No. 31** -- Memorials, Recognition -- Larry J. Silvey, 2011 Phoenix Award for Outstanding Contributions to Disaster Recovery by a Volunteer.

The Speaker announced that he had referred Senate Resolution No. 31 to the Committee on Calendar.

**Senate Resolution No. 32** -- Memorials, Professional Achievement -- Jo Anna Morris, Sterling Award.

The Speaker announced that he had referred Senate Resolution No. 32 to the Committee on Calendar.

**Senate Resolution No. 33** -- Memorials, Professional Achievement -- Andrea Bond Johnson, Sterling Award.

The Speaker announced that he had referred Senate Resolution No. 33 to the Committee on Calendar.

**Senate Resolution No. 34** -- Memorials, Professional Achievement -- Patricia Jones, Sterling Award.

The Speaker announced that he had referred Senate Resolution No. 34 to the Committee on Calendar.

**Senate Resolution No. 35** -- Memorials, Professional Achievement -- Molly McCarley, Sterling Award.

The Speaker announced that he had referred Senate Resolution No. 35 to the Committee on Calendar.

### **CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 278** -- Memorials, Professional Achievement -- Colonel Jeffrey H. Holmes, promoted to Commander of the 194th Engineer Brigade of the Tennessee Army National Guard.

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**Senate Joint Resolution No. 279** -- Memorials, Death -- Sam K. Keesecker.

**Senate Joint Resolution No. 280** -- Memorials, Academic Achievement -- Tianqi Gao, Salutatorian, Cookeville High School.

**Senate Joint Resolution No. 281** -- Memorials, Academic Achievement -- William Gordan Kualls, Valedictorian, Upperman High School.

**Senate Joint Resolution No. 282** -- Memorials, Academic Achievement -- Andrew Tyler Eastes, Valedictorian, White County High School.

**Senate Joint Resolution No. 283** -- Memorials, Academic Achievement -- Kendra Lynnette Carey, Valedictorian, Stone Memorial High School.

**Senate Joint Resolution No. 284** -- Memorials, Academic Achievement -- Timberly Kaye Singleton, Salutatorian, Monterey High School.

**Senate Joint Resolution No. 285** -- Memorials, Academic Achievement -- Anthony Kristopher Scott, Salutatorian, Cumberland County High School.

**Senate Joint Resolution No. 286** -- Memorials, Academic Achievement -- Jerry Dakota Lowhorn, Valedictorian, Monterey High School.

**Senate Joint Resolution No. 287** -- Memorials, Academic Achievement -- John Christopher Garland, Valedictorian, Cumberland County High School.

**Senate Joint Resolution No. 288** -- Memorials, Academic Achievement -- Joshua Michael Ward, Salutatorian, White County High School.

**Senate Joint Resolution No. 289** -- Memorials, Academic Achievement -- Katherine Sloan French, Salutatorian, Stone Memorial High School.

**Senate Joint Resolution No. 290** -- Memorials, Academic Achievement -- David Jiang, Valedictorian, Cookeville High School.

**Senate Joint Resolution No. 291** -- Memorials, Academic Achievement -- Rachel Anne Presley, Salutatorian, Jackson County High School.

**Senate Joint Resolution No. 292** -- Memorials, Academic Achievement -- Forrest Ray Driver, Valedictorian, Jackson County High School.

**Senate Joint Resolution No. 293** -- Memorials, Academic Achievement -- Nathan Brent Whitehead, Salutatorian, Upperman High School.

**Senate Resolution No. 30** -- Memorials, Recognition -- Joe Staton and Mike Curtis.

**House Joint Resolution No. 290** -- Memorials, Personal Occasion -- Bobby and Ava Oliver.

**House Joint Resolution No. 291** -- Memorials, Recognition -- Memphis School of Preaching.

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**House Joint Resolution No. 292** -- Memorials, Retirement -- Lafayette McKinnie.

**House Joint Resolution No. 293** -- Memorials, Academic Achievement -- K. D. Wainwright, Salutatorian, East Hickman High School.

**House Joint Resolution No. 294** -- Memorials, Academic Achievement -- Jamison Matney, Valedictorian, East Hickman High School.

**House Joint Resolution No. 295** -- Memorials, Academic Achievement -- Andrew Tod Wilson, Salutatorian, Creek Wood High School.

**House Joint Resolution No. 296** -- Memorials, Academic Achievement -- Hudson Talbert Bilbrey, Valedictorian, Creek Wood High School.

**House Joint Resolution No. 297** -- Memorials, Recognition -- First Annual Prestige Awards, Memphis City Schools.

**House Joint Resolution No. 298** -- Memorials, Public Service -- Donald L. Samuels.

**House Joint Resolution No. 300** -- Memorials, Recognition -- Shelly Udall, Bartlett Knights of Columbus Firefighter of the Year.

**House Joint Resolution No. 301** -- Memorials, Recognition -- Detective Patrick Cici, Bartlett Police Department Officer of the Year.

**House Joint Resolution No. 302** -- Memorials, Recognition -- Dr. Herman Washington Green.

**House Joint Resolution No. 303** -- Memorials, Recognition -- Johnson City Medical Center, 100th anniversary.

**House Joint Resolution No. 307** -- Memorials, Death -- Mason Rudolph.

**House Joint Resolution No. 308** -- Memorials, Academic Achievement -- Shean Erik Hubbard, Valedictorian, Greenbrier High School.

**House Joint Resolution No. 309** -- Memorials, Academic Achievement -- Andrea Ranee Baker, Salutatorian, Greenbrier High School.

**House Joint Resolution No. 310** -- Memorials, Academic Achievement -- Tiffany Michelle Crawford, Valedictorian, Jo Byrns High School.

**House Joint Resolution No. 311** -- Memorials, Academic Achievement -- Douglas James Bruce, Salutatorian, Jo Byrns High School.

**House Joint Resolution No. 312** -- Memorials, Academic Achievement -- Christopher William Miller, Valedictorian, Springfield High School.

**House Joint Resolution No. 313** -- Memorials, Academic Achievement -- Brandon Christopher Stugner, Salutatorian, Springfield High School.



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**House Joint Resolution No. 314** -- Memorials, Academic Achievement -- Caroline Grace Mullen, Valedictorian, White House Heritage High School.

**House Joint Resolution No. 315** -- Memorials, Academic Achievement -- Joseph Blake Garrett, Salutatorian, White House Heritage High School.

**House Joint Resolution No. 316** -- Memorials, Academic Achievement -- Gerald Wesley Alexander, Valedictorian, East Robertson High School.

**House Joint Resolution No. 317** -- Memorials, Academic Achievement -- Peyton Alexandria Orr, Salutatorian, East Robertson High School.

**House Joint Resolution No. 318** -- Memorials, Academic Achievement -- Alexandra Waters, Valedictorian, Christian Community High School.

**House Joint Resolution No. 319** -- Memorials, Academic Achievement -- Andrew Sommers, Salutatorian, Christian Community High School.

**House Joint Resolution No. 320** -- Memorials, Academic Achievement -- Matthew Monroe Hinson, Valedictorian, Dayspring Academy.

**House Joint Resolution No. 321** -- Memorials, Academic Achievement -- Chelsea Nicole Cornelsen, Salutatorian, Dayspring Academy.

**House Joint Resolution No. 322** -- Memorials, Academic Achievement -- Jonathan Bryant, Valedictorian, South Haven Christian School.

**House Joint Resolution No. 323** -- Memorials, Academic Achievement -- Dustin Sattler, Salutatorian, South Haven Christian School.

**House Joint Resolution No. 324** -- Memorials, Sports -- Tri-Cities Christian School girls' basketball team, winners of Tennessee Athletic Association of Christian Schools State Championship.

**House Joint Resolution No. 326** -- Memorials, Recognition -- Birdsong Resort and Marina, 50th anniversary.

**House Joint Resolution No. 328** -- Memorials, Recognition -- Angelo Lucchesi.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	30
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

Objections having been raised, the following bill was placed at the heel of the calendar for Wednesday, May 4, 2011, pursuant to Rule 38: **Senate Bill No. 464.**

**Senate Bill No. 166** -- Sunset Laws -- As introduced, extends the council on children's mental health care, June 30, 2014. Amends TCA Title 4, Chapter 29, Part 2 and Title 37, Chapter 3, Part 1.

On motion, Senate Bill No. 166 was made to conform with **House Bill No. 248.**

On motion, House Bill No. 248, on same subject, was substituted for Senate Bill No. 166.

**Senate Bill No. 194** -- Sunset Laws -- As introduced, extends the commission on children and youth, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 37, Chapter 3, Part 1.

On motion, Senate Bill No. 194 was made to conform with **House Bill No. 621.**

On motion, House Bill No. 621, on same subject, was substituted for Senate Bill No. 194.

**Senate Bill No. 455** -- Jails, Local Lock-ups -- As introduced, subject to the approval of the board of regents, authorizes the use of county prisoners' labor on farms operated by board of regents institutions. Amends TCA Title 41 and Title 49.

On motion, Senate Bill No. 455 was made to conform with **House Bill No. 305.**

On motion, House Bill No. 305, on same subject, was substituted for Senate Bill No. 455.

**Senate Bill No. 1824** -- Pharmacy, Pharmacists -- As introduced, establishes procedures for pharmacies to transfer Schedule II prescriptions in accord with certain federal and state requirements. Amends TCA Title 63.

**Senate Bill No. 1936** -- Tobacco, Tobacco Products -- As introduced, authorizes counties and cities to prohibit, by ordinance, smoking outside of hospitals or in the public areas immediately outside of a hospital building and its entrances, including public sidewalks. Amends TCA Title 39 and Title 68.

**Senate Joint Resolution No. 103** -- General Assembly, Directed Studies -- Directs TACIR to study problems local governments are experiencing with vacant, blighted properties and recommend solutions to assist local governments to ameliorate such problems by returning such properties to beneficial reuse.

**House Joint Resolution No. 57** -- Naming and Designating -- Designates March 1, 2011, "Volunteer Firefighter Day" in Tennessee.

**House Joint Resolution No. 58** -- General Assembly, Statement of Intent or Position -- Encourages and advocates the expanded use of telemedicine in the State of Tennessee.

**House Joint Resolution No. 151** -- General Assembly, Statement of Intent or Position -- Urges Tennessee employers to provide holiday time off on Veterans' Day to employees who are veterans of U.S. Armed Forces.

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Senator Faulk moved that all Senate Joint Resolutions be adopted; all House Joint Resolutions be concurred in; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

**CALENDAR**

**Senate Bill No. 88** -- Zoning -- As introduced, requires zoning boards of appeals to make findings of fact, statements of material evidence, and statements of reasons for their actions as part of each motion or action and keep a public record of their resolutions, transactions, motions, actions, and determinations. Amends TCA Section 13-7-107 and Section 13-7-205.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 13-7-107(a), is amended by adding the following at the end of the subsection:

The supplemental rules of procedure may address, but shall not be limited to, the following:

(1) Maintenance of a record of the board's resolutions, transactions, motions and actions, which shall be a public record;

(2) Election from its membership of a chair and other officers as the board deems necessary; and

(3) The inclusion of statements of reasons for the board's actions as part of each motion or action, including such findings of fact and statements of material evidence as the board may deem pertinent.

SECTION 2. Tennessee Code Annotated, Section 13-7-205(b), is amended by adding the following at the end of the subsection:

The supplemental rules of procedure may address, but shall not be limited to, the following:

(1) Maintenance of a record of the board's resolutions, transactions, motions and actions, which shall be a public record;

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(2) Election from its membership of a chair and other officers as the board deems necessary; and

(3) The inclusion of statements of reasons for the board's actions as part of each motion or action, including such findings of fact and statements of material evidence as the board may deem pertinent.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 88**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 551** -- Licenses -- As introduced, requires licenses issued by the Department of Commerce and Insurance and licenses required to work as athlete agents, lobbyists, and K-12 public school teachers to be denied, suspended, or revoked, if student loans are not paid. Amends TCA Title 3; Title 49 and Title 56.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 3-6-302(a)(2), is amended by adding the following language between the first and second sentences of the subdivision:

The information provided by the lobbyist shall include, but not be limited to, the lobbyist's name and birthdate, and the last four digits of the lobbyist's social security number; provided that the last four digits of the lobbyist's social security number is not a public record and shall only be used by the state or a local governmental entity for purposes related to the administration of this act;

AND FURTHER AMEND by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 49-7-2126(a), is amended by adding the following language as new, appropriately designated subdivisions thereto:

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( ) A list of all student loans or loan or service-conditional scholarships that require a service obligation for forgiveness or repayment of all or part of the loan or service-conditional scholarship for which there is an outstanding balance owed by the applicant or for which the service obligation has not been completed by the applicant at the time of application;

( ) The applicant's date of birth;

( ) The last four digits of the applicant's social security number; provided that such information is not a public record and shall only be used by the state or a local governmental entity for purposes related to the administration of this act;

On motion, Amendment No. 1 was adopted.

Senator McNally moved that **Senate Bill No. 551**, as amended, be placed on the Calendar for Monday, May 9, 2011, which motion prevailed.

**MOTION**

Senator McNally moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 21, 35, 365, 813, 814 and 2077** on the calendar for the Committee on Finance, Ways and Means for Tuesday, May 3, 2011, which motion prevailed.

**CALENDAR**

**Senate Bill No. 572** -- Unclaimed Property -- As introduced, requires the treasurer to hold any abandoned military medal until the owner or owner's heirs or beneficiaries can be identified for the return of the medal; allows the treasurer to appoint a custodian such as a veterans' organization to hold such medal. Amends TCA Title 66, Chapter 29, Part 1.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 66-29-102, is amended by adding the following as a new, appropriately designated subdivision:

( ) "Military medal" means any decoration or award that may be presented or awarded to a member of a unit of the Armed Forces or National Guard.

SECTION 2. Tennessee Code Annotated, Title 66, Chapter 29, Part 1, is amended by adding the following as a new section:

66-29-155. The treasurer, upon receiving military medals, shall hold and maintain the military medals until the original owner or the owner's respective heirs or beneficiaries can be identified and the military medal returned. The treasurer may designate a veteran's organization or other appropriate organization as custodian of medals until the original owner or the owner's respective heirs or beneficiaries are located.

SECTION 3. Tennessee Code Annotated, Section 66-29-104, is amended by deleting the word "and" at the end of subdivision (4)(B), and by adding the following new subdivision at the end thereof:

(C) Notwithstanding § 45-2-907 or any other law to the contrary, any military medal as defined in § 66-29-102 that is removed from a safe deposit box or any other safekeeping repository or agency or collateral deposit box on which the lease or rental period has expired due to nonpayment of rental charges or other reasons shall not be sold or otherwise disposed of, but shall be retained by the holder for the lessee of the box. If the military medal remains unclaimed by the lessee for more than one (1) year from the date the box is opened, the holder shall report such property to the state treasurer by May 1 of the calendar year next following. Such report shall be made in compliance with § 66-29-113. The holder shall, at the time of filing the report and with that report, deliver the military medal to the state treasurer for safekeeping in accordance with § 66-29-155; and

SECTION 4. Tennessee Code Annotated, Section 66-29-115, is amended by deleting the first sentence in subsection (b) and by substituting instead the following:

Except for military medals as described in § 66-29-102, tangible property shall not be delivered to the state treasurer at the time of filing the report.

SECTION 5. Tennessee Code Annotated, Section 66-29-115, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Notwithstanding anything in subsections (a) and (b) to the contrary, contents removed from any safe deposit box or any other safekeeping repository or agency or collateral deposit box described in § 66-29-104(4)(B), except for military medals as defined in § 66-29-102, shall be sold or disposed of by the holder in accordance with the procedures set forth in § 45-2-907, or pursuant to instructions received from the state treasurer, and the proceeds, less reasonable costs of sale and storage, shall be remitted within sixty (60) days of sale. Military medals shall be reported and delivered to the state treasurer pursuant to § 66-29-104(4)(C).

SECTION 6. Sections 3, 4 and 5 of this act shall take effect on July 1, 2011, and shall apply to all military medals that are removed from a safe deposit box or any other safekeeping repository or agency or collateral deposit box after said date, the public welfare requiring it. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 572**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

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A motion to reconsider was tabled.

Mr. Speaker Ramsey moved that **Senate Bill No. 703** be placed on the Calendar for Wednesday, May 4, 2011, which motion prevailed.

**Senate Bill No. 710** -- Sexual Offenders -- As introduced, includes public libraries in places to which convicted sex offenders have restricted access. Amends TCA Title 39 and Title 40.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language following the enacting clause in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, Part 2, is amended by adding the following as a new section:

§ 40-39-216.

(a) Public library directors shall have the authority to reasonably restrict the access of any person listed on the sexual offender registry.

(b) In determining the reasonableness of the restrictions, the director shall consider the following criteria:

(1) The likelihood of children being present in the library at the times and places to be restricted;

(2) The age of the victim of the offender; and

(3) The chilling effect of the use of the library by other patrons if the offender is not restricted.

(c) Nothing in this section shall prevent a total ban of the offender's access to a public library so long as the criteria in subsection (b) are considered.

(d) The restrictions of this part shall be effective upon the mailing of notice to the address of the offender as listed on the sex offender registry. The notice shall state with specificity, the time and space restrictions. The director shall state in the notice that the criteria in subsection (b) have been considered.

(e) A registered sex offender who enters upon the premises of a public library in contravention of the restrictions five (5) days after mailing of the notice may, at the discretion of the director be prosecuted for criminal trespass pursuant to § 39-14-405.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 710**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Mr. Speaker Ramsey moved that **Senate Bill No. 763** be placed at the heel of the Calendar for today, which motion prevailed.

Senator Overbey moved that **Senate Bill No. 910** be placed on the Calendar for Monday, May 16, 2011, which motion prevailed.

**Senate Bill No. 1037** -- Beer -- As introduced, applies the hours for the sale of beer on Sunday to the area of the county outside of a municipality that adopts liquor-by-the-drink in a referendum, unless the county legislative body by a 2/3 vote sets the hours for the sale of beer on Sunday in areas outside such municipality. Amends TCA Title 57, Chapter 4 and Title 57, Chapter 5.

On motion, Senate Bill No. 1037 was made to conform with **House Bill No. 969**.

On motion, House Bill No. 969, on same subject, was substituted for Senate Bill No. 1037.

On motion of Senator Faulk, Amendment No. 1 was withdrawn.

Senator Ketron moved that **House Bill No. 969** be moved three places down on the Calendar for today, which motion prevailed.

**Senate Bill No. 1042** -- Public Contracts -- As introduced, prohibits a modification, alteration, change or deletion to any bid specification or requirement within 48 hours of the bid opening or bid acceptance when a statute, ordinance, resolution, rule or regulation mandates the use of competitive bidding of any kind or nature by a state agency, county or municipal corporation. Amends TCA Title 12, Chapter 4, Part 1.

On motion, Senate Bill No. 1042 was made to conform with **House Bill No. 965**.

On motion, House Bill No. 965, on same subject, was substituted for Senate Bill No. 1042.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Senator Ketron moved that **House Bill No. 965** be placed on the Calendar for Wednesday, May 4, 2011, which motion prevailed.



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**Senate Bill No. 1045** -- Election Laws -- As introduced, prohibits County Election Commissions from asking administrator of elections to employ certain family members in addition to current law which prohibits County Election Commissions from hiring such members; makes conforming change to ensure administrator cannot employ certain family members of the administrator as clerical assistants, except in case of emergencies. Amends TCA Title 2.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-12-116(a), is amended by adding the following as a new subdivision (16):

(16) The commission members shall not appoint or hire, except in the event of and during an emergency, spouses, parents, brothers, sisters, or children, including in-laws, of the administrator as deputies, clerical assistants, absentee voting deputies, poll officials, or as members of the absentee counting board.

SECTION 2. Tennessee Code Annotated, Section 2-12-201(a)(1), is amended by deleting subdivision (a)(1) in its entirety, and substituting instead the following:

Employment of all office personnel; after July 1, 2011, administrators of elections may not appoint or hire, except in the event of and during an emergency, members of the County Election Commission, or spouses, parents, brothers, sisters or children, including in-laws of commission members or spouses, parents, brothers, sisters or children, including in-laws of the administrator of elections as deputies, clerical assistants, absentee voting deputies, poll officials or as members of the absentee counting board;

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Yager moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by adding the language "machine technicians," after the language "absentee voting deputies," and before the language "poll officials" in the amendatory language of Section 1 and Section 2 of the bill as amended.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 1045**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 29  
Noes ..... 0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

**Senate Bill No. 1158** -- Mortgages -- As introduced, adds exceptions to the licensure requirements under the "Tennessee Residential Lending, Brokerage and Servicing Act". Amends TCA Title 45, Chapter 13.

Senator Norris declared Rule 13 on **Senate Bill No. 1158**.

Senator Haynes declared Rule 13 on **Senate Bill No. 1158**.

Senator Herron declared Rule 13 on **Senate Bill No. 1158**.

Mr. Speaker Ramsey declared Rule 13 on **Senate Bill No. 1158**.

Senator Faulk declared Rule 13 on **Senate Bill No. 1158**.

Senator Finney declared Rule 13 on **Senate Bill No. 1158**.

Senator Overbey declared Rule 13 on **Senate Bill No. 1158**.

Senator Yager declared Rule 13 on **Senate Bill No. 1158**.

On motion, Senate Bill No. 1158 was made to conform with **House Bill No. 758**.

On motion, House Bill No. 758, on same subject, was substituted for Senate Bill No. 1158.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 758** passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

**FURTHER ACTION ON HOUSE BILL NO. 969**

Senator Johnson declared Rule 13 on **House Bill No. 969**.

Thereupon, **House Bill No. 969** passed its third and final consideration by the following vote:

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Ayes . . . . . 28  
Noes . . . . . 1

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

Senator voting no was: Berke--1.

A motion to reconsider was tabled.

Mr. Speaker Ramsey moved that **Senate Bill No. 1284** be placed on the Calendar for Wednesday, May 4, 2011, which motion prevailed.

**Senate Bill No. 1391** -- Solid Waste Disposal -- As introduced, requires certain steps be followed prior to any action being taken by a county legislative body concerning the siting of a landfill. Amends TCA Title 13 and Title 68, Chapter 211.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-211-703, is amended by adding the following as a new, appropriately designated subsection:

( ) (1) In addition to all other notice requirements of this section, the proposed landfill owner shall provide notice to persons owning property within a three-mile radius of such landfill no less than fifteen (15) days in advance of any hearing scheduled in accordance with this part by having signs erected on all roads leading directly to the proposed landfill site. The signs shall contain the information required in subdivision (2), shall be erected on such roads at the perimeter of the three-mile radius and be clearly visible to persons traveling into the area.

(2) The signs shall be at least three feet (3') high and five feet (5') wide and include the following in legible type:

(i) Name of the local city/county/official/department/agency reviewing the application;

(ii) Name and address of the proposed landfill owner and/or operator;

(iii) Location and size of the proposed landfill;

(iv) Brief description of the type operation to be operated at the landfill and the type waste that will be accepted;

(v) A description of the time frame for making a final determination on the landfill application approval or disapproval; and

(vi) Address and telephone number of the premises at which persons may obtain further information, request copies of data on the landfill, and inspect this data.

(3) The highway department for the county in which the landfill is proposed to be located may erect and maintain the signs, and remove the signs within ten (10) days of the completion of all hearings related to the application for a proposed landfill.

(4) All costs associated with the erection of the signs including, but not limited to, their design, construction, delivery and removal shall be borne by the proposed landfill owner.

(5) A violation of this subsection shall be a Class B misdemeanor punishable by a fine only of up to five hundred dollars (\$500). Each day a violation occurs constitutes a separate offense.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Finney moved that **Senate Bill No. 1391** be moved three places down on the Calendar for today, which motion prevailed.

**Senate Bill No. 1416** -- Industrial Development -- As introduced, requires two or more municipalities forming industrial development corporation to be from the same county. Amends TCA Title 7, Chapter 53.

Senator Yager moved to amend as follows:

#### **AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-53-314, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) The corporation is authorized to prepare and submit to the governing body of the municipality for approval an economic impact plan in the manner described in this section.

SECTION 2. Tennessee Code Annotated, Section 7-53-314, is further amended by deleting the second sentence from subsection (f) and substituting instead the following language:

Prior to approval by the governing body of the municipality, the economic impact plan shall be submitted to the mayor of the municipality.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Thereupon, **Senate Bill No. 1416**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 1557** -- Lending Agencies -- As introduced, increases percentage of ownership required to be deemed in control of a deferred presentment licensee from 25 percent to 50 percent and lengthens notification requirement for changing business location or name from five days to seven days before such a change. Amends TCA Title 45, Chapter 17.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 45-17-102(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) "Check" means any payment instrument, including any customer authorization for electronic payment;

SECTION 2. Tennessee Code Annotated, Section 45-17-102, is further amended by adding the following language as a new, appropriately designated subdivision:

( ) "Payment instrument":

(A) Means a check, draft, warrant, money order, traveler's check or other instrument for payment of money, whether or not negotiable, and also includes any authorization for electronic payment of money; and

(B) Does not include an instrument that is redeemable by the issuer in merchandise or service, a credit card voucher, or a letter of credit;

SECTION 3. Tennessee Code Annotated, Section 45-17-103, is amended by deleting the section in its entirety and substituting instead the following:

45-17-103.

(a) No person shall engage in the business of deferred presentment services in this state through the use of the internet, facsimile, telephone, or other means without having first obtained a license. A person shall be deemed to be engaged in the business of deferred presentment services in this state, if

the person induces a consumer, while located in this state, to enter into a deferred presentment services transaction in this state. A separate license shall be required for each location from which the business of deferred presentment services is conducted.

(b) Any nonresident person, seeking a license under this chapter, shall furnish the commissioner with the name and address of a resident of this state upon whom notices or orders issued by the commissioner, or process affecting a licensee under this chapter, may be served. Such nonresident licensee shall promptly notify the commissioner in writing of every change in its designated agent for service of process, and such change shall not become effective until approved by the commissioner.

SECTION 4. Tennessee Code Annotated, Section 45-17-105(2), is amended by deleting it in its entirety and substituting instead the following language:

(2) The location at which the registered agent of the applicant shall be located; provided, that "registered agent of the applicant" includes a person designated by the applicant for accepting notices or orders by the commissioner, or process affecting the applicant, pursuant to § 45-17-103; and

SECTION 5. Tennessee Code Annotated, Section 45-17-111, is amended by deleting subsections (b) and (c) in their entirety and substituting instead the following language:

(b) To assure compliance with this chapter, the commissioner may examine the relevant business, books and records of any licensee. Further, for the purpose of discovering violations of this chapter and determining whether persons are subject to this chapter, the commissioner may examine or investigate persons licensed under this chapter and persons reasonably suspected by the commissioner of conducting business that requires a license under this chapter, by exercising authority that includes, but is not limited to, the power to summon witnesses and examine them under oath, and to compel the production of books and records that may be relevant to the examination or investigation.

(c) Any licensee or unlicensed person subject to the licensing requirements of this chapter, that is examined or investigated in accordance with this chapter, shall pay to the commissioner the reasonable and actual expenses of the investigation or examination. The fees shall be payable in addition to all other fees, taxes and costs required by law.

SECTION 6. Tennessee Code Annotated, Section 45-17-112(a), is amended by adding the following sentence to the end of the subsection:

Any licensee, after receiving the prior written approval of the commissioner, may maintain records at a location within or outside this state.

SECTION 7. Tennessee Code Annotated, Section 45-17-112(b), is amended by deleting the last sentence of the subsection in its entirety and by substituting instead the following:

The fee authorized by this subsection (b) shall not exceed fifteen percent (15%) of the face amount of the check. The fee, when made and collected, shall not be deemed interest for any purpose of law.

SECTION 8. Tennessee Code Annotated, Section 45-17-112(e), is amended by inserting the language "or the customer resides" before the period in the first sentence.

SECTION 9. Tennessee Code Annotated, Section 45-17-112(i), is amended by deleting the subsection in its entirety and by substituting instead the following:

(i) If a check is returned to the licensee from a payer financial institution due to insufficient funds, closed account, or a stop-payment order, the licensee shall have the right to all civil means available and allowed by law to collect the check, including the right to collect court costs incurred in bringing the civil action as authorized in §§ 47-29-101(a)(4), (b) and (c). However, no licensee shall have the authority to assess a handling charge against the maker or drawer authorized by § 47-29-102 or the right to collect attorney's fees relating to the check. No other provisions of Title 47, Chapter 29, are applicable to a person licensed under this chapter. No individual who issues a personal check to a licensee under this chapter shall be convicted under § 39-14-121.

SECTION 10. Tennessee Code Annotated, Section 45-17-112, is further amended by adding the following language as a new, appropriately designated subsection:

( ) (1) No deferred presentment services agreement, subject to this chapter, shall provide:

(A) That the law of a jurisdiction other than Tennessee applies;

(B) That the customer consents to the jurisdiction of another state or foreign country;

(C) That fixes venue; or

(D) That waives any provision of this chapter.

(2) Any such provision contained in any deferred presentment services agreement subject to this chapter shall be void and not enforceable as a matter of public policy.

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Section 10 in its entirety and substituting instead the following:

SECTION 10. Tennessee Code Annotated, Section 45-17-112, is further amended by adding the following language as a new, appropriately designated subsection:

( ) (1) No deferred presentment services agreement, subject to this chapter shall:

(A) Provide that the law of a jurisdiction other than Tennessee applies;

(B) Provide that the customer consents to the jurisdiction of another state or foreign country;

(C) Fix venue; or

(D) Waive any provision of this chapter.

(2) Any such provision contained in any deferred presentment services agreement subject to this chapter shall be void and not enforceable as a matter of public policy.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 1557**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	25
Noes . . . . .	6
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Berke, Burks, Henry, Herron, Kyle and Marrero--6.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.

**Senate Bill No. 1796** -- Charitable Solicitations -- As introduced, requires any charitable organization that solicited and received contributions related to a disaster occurring on or after May 1, 2010, to file a quarterly financial report with the secretary of state. Amends TCA Title 48, Chapter 1, Part 5 and Title 48, Chapter 101, Part 5.

On motion, Senate Bill No. 1796 was made to conform with **House Bill No. 1135**.

On motion, House Bill No. 1135, on same subject, was substituted for Senate Bill No. 1796.



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On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1135** passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**FURTHER ACTION ON SENATE BILL NO. 1391**

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1391**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Johnson moved that **Senate Bill No. 1808** be placed at the heel of the Calendar for today, which motion prevailed.

**Senate Bill No. 1988** -- Insurance, Health, Accident -- As introduced, reduces utilization review of certain mental health and substance abuse claims to a ceiling of 10% of reviews from 18%; removes exemption from certain standards for certain accredited utilization review agents. Amends TCA Section 56-6-705.

Senator Ford declared Rule 13 on **Senate Bill No. 1988**.

Senator Johnson moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 56-6-705(a)(10)(C), is amended by deleting the first sentence in its entirety and substituting instead the following language:

After the initial utilization review, additional information or follow-up utilization review for outpatient mental health or chemical dependency patients shall be limited to no more than eighteen percent (18%) of the total number of outpatient mental health and chemical dependency patients' reviews performed by the utilization review agent for the previous calendar year adjusted for the difference of covered lives in this state for the present calendar year, or as otherwise required by the Utilization Review Accreditation Commission (URAC) or the National Committee for Quality Assurance (NCQA).

SECTION 2. Tennessee Code Annotated, Section 56-6-705, is further amended by deleting subsection (b) in its entirety and substituting instead the following language:

(b) With the exception of those standards contained in subdivision (a)(10), the commissioner shall exempt from the standards of this section any utilization review agent who has received accreditation by URAC or NCQA.

SECTION 3. This act shall take effect January 1, 2012, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 1988**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 113** -- Teachers, Principals and School Personnel -- As introduced, abolishes teachers' unions ability to negotiate terms and conditions of professional service with local boards of education. Amends TCA Section 5-23-107 and Title 49.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 5**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 6, known as the Education Professional Negotiations Act, is amended by deleting the part in its entirety and by substituting instead the following language:

49-5-601. Short title — Statement of purpose.

(a) This part shall be known and may be cited as the "Advancement of Student Achievement Act".

(b)(1) Local boards of education and their professional employees have an obligation to the public to exert their full and continuing efforts to achieve the highest possible education standards. This requires establishment and maintenance of a professional climate and working environment that will attract and retain a highly qualified professional staff, foster open, collaborative relationships between boards of education and their professional employees based upon mutual respect, stimulate optimum performance by the staff, and encourage each and every professional employee to contribute the employee's best to the advancement of student achievement. In order to best achieve these ends, it is the purpose of this part to set forth and recognize the rights and obligations of boards of education and their professional employees, to establish procedures governing their respective roles and the important relationships between them, and to promote a professional climate in order to focus efforts on teaching and learning for all students of the public schools.

(2) Experience has shown that boards of education and their professional employees can best reach the objectives described in subdivision (b)(1), if each considers the ability, experience, and judgment of the other in formulating policies and making decisions that involve the operations of Tennessee's public schools through a collaborative, rather than confrontational, effort. It also has been shown that professional employees can perform at their best when goals and expectations as to the terms and conditions of professional service are set forth with clarity, reliability and fairness to all in a manner demonstrating concern and respect for the interests and opinions of the individual employee.

(3) It is the purpose and policy of this part to recognize the concerns of individual employees in their relations with boards of education and to recognize certain interests and responsibilities, but not obligations, of professional employees in forming, joining and assisting professional employees' organizations. Such interests and responsibilities include meeting, consulting and conferring with boards of education in good faith in order to formulate specific terms and conditions of professional service. Furthermore, in order to foster trust and mutual respect among the parties, and to provide an open and collaborative problem-solving approach to such, it is further the purpose and policy of this part to establish and adopt principles and techniques to be used in collaborative problem-solving pursuant to this part.

(c) A training program in the principles and techniques of collaborative problem-solving shall be developed by the Tennessee Organization of School Superintendents in conjunction with representative organizations of school

leaders and administrators and professional employees' organizations by January 1, 2012, at which time a summary report of the training program and related materials, if any, shall be presented to the Education Committees of the Senate and the House of Representatives. Such training program shall be implemented, as appropriate, within each local education agency no later than July 1, 2012.

(d) Any and all bargaining being conducted pursuant to the Tennessee Education Professional Negotiations Act on the effective date of this act shall be suspended.

(e) No collaboration pursuant to this part shall be conducted by a local board of education until the training developed under this part has been implemented within the local education agency.

49-5-602. Part definitions.

As used in this part, unless the context otherwise requires:

(1) "Board of education" or "local board of education" has the same meaning as the term is defined in § 49-1-103;

(2) "Collaboration" means the process by which the chair of a board of education and the board's professional employees, or such representatives as either party or parties may designate, meet at reasonable times and in good faith confer, consult, discuss, exchange information, opinions, and proposals on matters within the scope of this part relating to the terms and conditions of professional employee service;

(3) "Management personnel" means those persons or organizations chosen by the board of education to represent it in the collaboration process;

(4) "Management team" means employees who devote a majority of their time to the system-wide area or areas of professional personnel management, fiscal affairs or general management and shall specifically include principals, assistant principals, supervisors and others whose principal responsibilities are administration rather than teaching;

(5) "Person" means one (1) or more individuals, organizations, associations, or their representatives;

(6) "Professional employee" means any person employed by any local board of education in a position that requires a license issued by the Department of Education for service in public elementary and secondary schools of this state, supported, in whole or in part, by local, state or federal funds, but shall not include any member of the management team, as defined in this part, or a retired teacher who is employed as a teacher in accordance with Title 8, Chapter 36, Part 8;

(7) "Professional employees' organization" means any organization with membership open to professional employees, as defined in subdivision

(6), in which the professional employees participate and that exists for the purpose of promoting the professional status and growth of educators and the welfare of students;

(8) "Representative" includes any person, or group of persons, organization or association that is designated and authorized by the respective professional employees, professional employees' organizations, or local board of education to act for it under this part; and

(9) "Strike" means the failure with others to report for duty, the willful absence from one's position, the stoppage of work or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, and without the lawful approval of one's superior; or in any manner interfering with the operation of the public school system, for the purpose of inducing or coercing the recognition of any employee organization or a change in the conditions or compensation or the rights, privileges or obligations of employment;

(10) "Supervisor" means any professional employee of a local board of education whose full-time job responsibilities consists of oversight of other professional employees or curriculum development or both; and

(11) "Working conditions of professional employees" or "terms and conditions of professional service" means those fundamental matters that affect a professional employee financially or the employee's employment relationship with the board of education and that are specifically designated as such under this part. The term "working conditions" or "terms and conditions of professional service" is intended to be narrowly defined and does not include any matters not specifically designated under this part.

**49-5-603. Rights of professional employees.**

Professional employees have the right to form, join or be assisted by organizations, to participate in collaboration with boards of education through representatives of their own choosing and to engage in other concerted activities for the purpose of other mutual aid and benefit; provided, that professional employees also have the right to refrain from any or all such activities.

**49-5-604. Rights preserved.**

(a) Those rights and responsibilities of boards of education, directors of schools and professional employees as contained in this title are not statutorily modified or repealed by this part.

(b) This part shall not operate so as to annul, modify or preclude the continuation of any recognition heretofore entered into between a board of education and a professional employees' organization during the term of any existing contract or agreement. Upon the termination of any existing

agreement, subsequent professional employee relationships between the respective board of education and its professional employees shall be governed by this part.

**49-5-605. Representatives.**

Experience has shown that efforts to confer, consult, discuss, and to exchange information, opinions, and proposals to provide crucial input on terms and conditions of professional service are most efficient and effective when conducted in an orderly manner by participants who were selected and authorized to represent individual professional employees or groups of employees. It is the policy and purpose of this part to ensure the rights of professional employees to participate in collaboration with boards of education individually and also through representatives of their own choosing. No professional employee, group of professional employees, or professional employee organization shall be denied the opportunity to represent themselves or groups of professional employees in discussions authorized under this part.

**49-5-606. Unlawful acts.**

(a) It is unlawful for a board of education or its management personnel to:

(1) Impose or threaten to impose reprisals on professional employees or discriminate against professional employees by reason of their exercise of rights guaranteed by this part;

(2) Interfere with, restrain or coerce employees in the exercise of the rights guaranteed in § 49-5-603;

(3) Refuse or fail to participate in good faith collaboration under this part;

(4) Refuse to permit any professional employees' organization to have access at reasonable times before or after the instructional day to areas in which professional employees work, to use institutional bulletin boards, mail boxes or other communication media or to use institutional facilities as permitted by a local board's policy or procedure for community use at reasonable times for the purpose of holding a meeting concerned with the exercise of the rights guaranteed by this part;

(5) Encourage or discourage membership in any organization by discrimination in hiring, granting of tenure or other terms or conditions of employment. The board of education or management personnel may express any views or opinions on the subject of employer-employee relations; provided, however, that such expression shall contain no threat of reprimand, discharge or promise of benefits;

(6) Discharge or discriminate against an employee because the employee has filed an affidavit, petition or complaint or given any information or testimony under this part;

(7) Dominate, interfere or assist in the administration of any professional employee organization;

(8) Refuse, upon request of professional employees, to permit the employees from having a representative from the employees' professional employees' organization or any individual of their choosing to represent the professional employees in employment or other legal issues including, but not limited to, the filing of grievance complaints; or

(9) Refuse to permit a professional employees' organization from distributing information, setting up displays, or speaking at an in-service where one (1) or more professional employees' organizations have been invited to do so.

(b) It is unlawful for a professional employees' organization or its representatives to:

(1) Cause or attempt to cause a board of education to engage in conduct violative of this part; provided, that this subdivision (b)(1) shall not be construed to impair the right of professional employees' organizations to prescribe its own rules with respect to operation involving the acquisition or retention of membership;

(2) Refuse or fail to participate in good faith collaboration under this part with a board of education;

(3) Interfere with, restrain or coerce professional employees or a board of education in the exercise of rights granted in this part;

(4) Engage in a strike;

(5) Urge, coerce or encourage others to engage in unlawful acts as defined in this part;

(6) Enter onto the school grounds for the purpose of contacting professional employees in such a manner and at such times as will interfere with the normal operations of the school; or

(7) Coerce or attempt to intimidate professional employees who choose not to join a professional employee organization.

(c)(1) A complaint of an unlawful act shall be filed with, or initiated by the board of education. If no reasonable resolution is reached between the parties, a complaint may be filed in the chancery court of the county where the local education agency is located.

(2) No complaint shall issue based upon any unlawful act occurring more than three (3) months prior to the filing of the complaint.

(3) The court is empowered to prevent any board of education or its agents, or organizations, associations, professional employees, or their agents, from engaging in any unlawful act.

(4) If, upon the preponderance of the evidence taken, the court is of the opinion that a party named in the complaint has engaged in or is engaging in any such unlawful act, then the court shall state its findings of fact, issue an order requiring the party to cease and desist from the unlawful act, and take affirmative action to correct the unlawful act. The order may further require the party to make reports from time to time showing the extent to which it has complied with the order.

(5) If, upon the preponderance of the testimony taken, the court is not of the opinion that a party named in the complaint has engaged in or is engaging in any such unlawful act, then the court shall state its findings of fact and shall issue an order dismissing the complaint.

49-5-607. Strikes — Remedies.

(a)(1) If a strike occurs, the board of education may apply to the chancery court in the county to enjoin the strike. The application shall set forth the facts constituting the strike.

(2) If the court finds, after a hearing, that a strike has occurred, the court shall enjoin the employees from participating in the strike.

(b) When local boards of education have determined which employees have engaged in or participated in a strike, the employees shall be subject to dismissal, reprimand or reversion to any point in probationary status at the discretion of the local board of education.

(c) No penalty, forfeiture of rights or privileges or other sanction or fine imposed on a professional employees' organization, its officers or members, or professional employees as the result of a strike, shall be subject to collaboration by the board and its professional employees at any time.

49-5-608. Scope of collaboration.

(a) A local board of education shall be required to participate in collaboration with professional employees, or their various designated representatives, if any, with respect to only those terms and conditions of employment that are specified in this section; provided, however, that after such collaboration, the board shall have final authority for the specification of the terms and conditions. Such terms and conditions include and are limited to the following:

(1) Salaries or wages;

(2) Grievance procedures;

(3) Insurance;



(4) Fringe benefits, but not to include pensions or retirement programs of the Tennessee consolidated retirement system or locally authorized early retirement incentives;

(5) Working conditions as defined herein; except those working conditions which are prescribed by general law, private act or rules and regulations of the State Board of Education, the Department of Education or any other department or agency of state or local government;

(6) Leave; and

(7) Payroll deductions.

(b) No other terms or conditions of employment shall be the subject of collaboration between the board of education and the professional employees or their representatives and no collaboration shall be conducted on the following subjects:

(1) Differentiated pay plans and other incentive compensation programs including stipends and associated benefits that are based on professional employee performance that exceeds expectations, or that aid in hiring and retaining highly qualified teachers for hard to staff schools and subject areas;

(2) Expenditure of grants or awards from federal, state or local governments and foundations or other private organizations;

(3) Evaluation of professional employees pursuant to federal or state law or State Board of Education policy;

(4) Staffing decisions and State Board of Education or local board of education policies relating to innovative educational programs under § 49-1-207, innovative high school programs under Title 49, Chapter 15, virtual education programs under Title 49, Chapter 16 and other programs for innovative schools or school districts that may be enacted by the general assembly; and

(5) All personnel decisions concerning assignment of professional employees, including, but not limited to, filling of vacancies, assignments to specific schools, positions, professional duties, transfers within the system, layoffs, reductions in force, and recall.

(c) No employment policy adopted pursuant to this part shall include provisions that require personnel decisions to be determined on the basis of tenure, seniority or length of service.

(d) The director of schools shall be permitted to communicate with professional employees employed by the local board of education concerning any subject relevant to the operation of the school system, including the terms and conditions of professional service that are subject to collaboration, through any means, medium or format the director chooses.

**49-5-609. Fiscal effect of collaboration.**

Any items considered during the course of collaboration that require funding shall not be considered effective until such time as the body empowered to appropriate the funds has approved a budget that includes sufficient funding. In the event the amount of funds appropriated is less than the amount required to address the matters of collaboration, the parties may continue to confer to implement such items to the extent possible within the amount of funds appropriated.

**49-5-610. Professional employee manuals.**

(a)(1) Each local board of education shall develop and adopt a professional employee manual that contains the local board's procedures for establishing policies relative to the employment and working conditions of professional employees. The professional employee manual, once adopted, shall be binding on the local education agency until a new or renewed professional employee manual is adopted by the local board of education as provided in subdivision (a)(2).

(2) Except as provided in subdivision (a)(3), every three (3) years, or more frequently at the discretion of the local board of education, the professional employee manual shall be reviewed by the local board of education; revised, if deemed advisable, after receiving input from professional employees, individually or through representatives, and the general public as provided in subdivisions (c)(2) through (4); and adopted.

(3) If a judicial decision or change in statutory or regulatory law necessitates that a local board of education modify or rescind a provision of the professional employee manual, then the local board of education is not required to comply with subdivisions (c)(2) through (4) in making such modification or rescission.

(b)(1) The subjects addressed in the professional employee manual shall include, but not be limited to, the local board's procedures for establishing policies relative to the terms and conditions of employment listed in § 49-5-608(a).

(2) The procedures for establishing policies shall include, but not be limited to, providing notice of the local board's intent to consider or establish a policy to professional employees, parents, other education stakeholders, and the general public at least fifteen (15) calendar days prior to the scheduled meeting relative to the policy. The notice shall include a description of the policy to be considered or established.

(3) The professional employee manual shall be in accordance with all applicable mandatory federal, state, and local laws, policies, and guidelines and shall incorporate citations to, or the text of, federal,

state, and local laws, policies, and guidelines governing, or relevant to, the subjects enumerated in subdivision (b)(1).

(c) A professional employee manual shall be developed and adopted by a local board of education as provided in this subsection (c).

(1)(A)(i) No later than January 1, 2012, TOSS, in consultation with each interested professional employees' organization and the Tennessee School Boards Association, shall develop and publish a model professional employee manual to aid local boards of education in the development of their professional employee manuals. TOSS may include annotations and suggested alternatives to provide guidance in those areas where a local board of education has discretion.

(ii) In developing the model professional employee manual, TOSS shall conduct a comprehensive review of contracts, agreements or policies governing terms and conditions of professional service entered into by local boards of education and recognized professional employees' organizations under the Education Professional Negotiations Act that are in effect on the effective date of this act as well as the terms and conditions of employment of those professional employees of boards of education that did not collectively bargain under the Education Professional Negotiations Act prior to the effective date of this act. TOSS shall incorporate in the model manual those provisions addressing procedures for establishing local board of education policies identified as appearing in a majority of such contracts, agreements or policies.

(iii) TOSS shall maintain and continue to revise the model professional employee manual when necessary to harmonize the model manual with applicable law and best practices; provided, that the State Board of Education shall notify each local board of education when the model manual is revised.

(B) Every local board of education shall develop and adopt, as provided in subdivisions (c)(2) through (4), an initial professional employee manual no later than April 17, 2012. Nothing in this section shall prohibit a local board of education from meeting and conferring with professional employees or their representatives, or both, to develop the initial professional employee manual.

(C)(i) The initial professional employee manual shall take effect July 1, 2012; provided, however, that any contract or agreement governing terms and conditions of professional service entered into by a board of

education and a recognized professional employees' organization under the Education Professional Negotiations Act prior to the effective date of this act shall remain in effect until its expiration, at which time the professional employee manual adopted by the local board of education shall take effect.

(ii) If any such contract or agreement expires prior to July 1, 2012, then the teachers employed by such board of education shall retain the rights in their employment that are afforded to them under federal, state, and local law as well as applicable local board of education policies.

(2) A local board of education shall promulgate a professional employee manual taking into consideration input received from professional employees, parents, other education stakeholders, and otherwise interested members of the general public. Any proposed manual shall be posted for review on the Web site of the local board of education. If a local board of education does not have a Web site, then the local board shall, instead of posting a professional employee manual on its Web site, make available at least two (2) copies of the proposed and adopted professional employee manual in each school library within the jurisdiction of the local education agency.

(3)(A) Professional employees employed by, and retired professional employees formerly employed by the local education agency shall be provided a forty-five (45) calendar day period to submit written input to the local board of education relative to the proposed professional employee manual. No professional employee, retired professional employee, or professional employees' organization shall be denied the opportunity to submit input for consideration by the local board of education. If the proposed professional employee manual is revised by the local board of education in response to the input the board receives pursuant to this subdivision (c)(3)(A), then the revisions shall be made available for review as provided in subdivision (c)(2).

(B) The local board of education shall conduct at least one (1) public hearing, in accordance with Title 8, Chapter 44, Part 1, after the period for input provided in subdivision (c)(3)(A) has ended. If revisions are made to the proposed professional employee manual, then no public hearing relative to the proposed manual shall be held earlier than seven (7) calendar days from the date the proposed manual is made available for review. Any public hearing held relative to the proposed professional employee manual shall be held at a location and time reasonably calculated to afford professional employees, parents, other education stakeholders, and

otherwise interested members of the general public the opportunity to provide input relative to the proposed professional employee manual.

(4) The adopted manual shall be made publicly available as provided in subdivision (c)(2). If requested, the local board of education shall make available a copy of the adopted professional employee manual to the Commissioner of Education upon seven (7) calendar days' notice.

SECTION 2. Tennessee Code Annotated, Section 49-5-510, is amended by deleting the language "and any locally negotiated agreement".

SECTION 3. Tennessee Code Annotated, Section 49-5-511(b)(3), is amended by deleting the language "and any locally negotiated agreement".

SECTION 4. Nothing in this act shall be construed to abridge or impair a contract or agreement governing terms and conditions of professional service entered into by a board of education and a recognized professional employees' organization under the Education Professional Negotiations Act before the effective date of this act. Any such contract or agreement shall remain in full force and effect until the expiration of the contract or agreement; provided that no such contract or agreement may be extended or renewed beyond its date of expiration.

SECTION 5. Tennessee Code Annotated, Section 5-23-107(1), is amended by deleting the language "or negotiated agreement pursuant to Title 49, Chapter 5, Part 6" and by substituting instead the language "or professional employee manual adopted pursuant to § 49-5-610".

SECTION 6. Tennessee Code Annotated, Section 49-1-201(d)(2), is amended by deleting the subdivision in its entirety.

SECTION 7. Tennessee Code Annotated, Section 49-1-207(g), is amended by deleting the subsection in its entirety.

SECTION 8. Tennessee Code Annotated, Section 49-1-614(d)(2), is amended by deleting the language ", and the Education Professional Negotiations Act, compiled in Chapter 5, Part 6 of this title,".

SECTION 9. Tennessee Code Annotated, Section 49-2-203(a), is amended by deleting subdivision (6) in its entirety and by substituting instead the following:

(6) Except as otherwise provided in this title, establish policies relative to the dismissal of teachers, principals, supervisors and other employees by the director of schools upon sufficient proof of improper conduct, inefficient service or neglect of duty; provided, that no one shall be dismissed without first having been given in writing due notice of the charge or charges and an opportunity for defense;

SECTION 10. Tennessee Code Annotated, Section 49-2-203(a), is amended by adding the following language as a new, appropriately designated subdivision:

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( ) Develop and adopt a professional employee manual as provided in § 49-5-610; provided, however, that no local education board shall, through the development and adoption of the professional employee manual act to adversely affect an individual professional employee or group of professional employees for purposes unrelated to the duties and powers of the local board of education.

SECTION 11. Tennessee Code Annotated, Section 49-2-301(b)(1)(EE), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(EE) Within the approved budget and consistent with existing state laws and board policies, employ, transfer, suspend, non-renew and dismiss all personnel, licensed or otherwise, except as provided in § 49-2-203(a)(1) and in Chapter 5, Part 5 of this title.

SECTION 12. Tennessee Code Annotated, Section 49-3-306(h), is amended by deleting the language "and in compliance with § 49-5-611".

SECTION 13. Tennessee Code Annotated, Section 49-13-118, is amended by deleting the section in its entirety.

SECTION 14. Because Title 49, Chapter 5, Part 6, shall continue to be applicable to contracts or agreements governing terms and conditions of professional service that were negotiated and entered into by a board of education and a recognized professional employees' organization before the effective date of this act, the code commission is requested to place the Education Professional Negotiations Act together with an appropriate statement indicating its applicability in an appendix to Title 49 for the sole purpose of providing a readily available reference for those affected by such contracts or agreements until the time that all contracts or agreements negotiated under the act have expired.

SECTION 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 16. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 5**

AMEND by deleting the language "professional employees' organizations to prescribe its" in § 49-5-606(b)(1) in Section 1 and by substituting instead the language "professional employees' organizations to prescribe their".

AND FURTHER AMEND by deleting Section 8 and by substituting instead the following language:

SECTION 8. Tennessee Code Annotated, Section 49-1-614(d)(2), is amended by deleting the language:

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, and the Education Professional Negotiations Act, compiled in Chapter 5, Part 6 of this title,

and by substituting instead the language:

, and the Education Professional Negotiations Act, compiled in Chapter 5, Part 6 of this title, prior to the effective date of this act,

On motion, Amendment No. 1 to Amendment No. 5 was adopted.

On motion, Amendment No. 5, as amended, was adopted.

Senator Kyle moved to amend as follows:

**AMENDMENT NO. 6**

AMEND by deleting the directory language of Section 1 of the bill as amended that reads as follows:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 6, known as the Education Professional Negotiations Act, is amended by deleting the part in its entirety and by substituting instead the following:

and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, is amended by adding the following language as new Part 11:

AND FURTHER AMEND by adding the following new amendatory section at the beginning of the amendatory language of Section 1 of the bill as amended and by renumbering subsequent amendatory sections of Section 1 appropriately as sections in new Part 11:

49-5-1101.

(a) A local board of education shall before September 15, 2011, by a vote of its members, decide whether it will use the collaborative problem-solving process set forth by this part in determining the terms and conditions of professional employee service in its school district. The local board shall certify the result of its vote to the secretary of state. If a majority of the members of the local board of education votes to use the collaborative problem-solving process of this part, then Part 6 of this chapter, the Education Professional Negotiations Act, shall cease to apply in the LEA on the date such vote is certified to the secretary of state. If a majority of the members of the local board of education votes not to use the collaborative problem-solving process of this part, then the LEA shall not be subject to this part and the Education Professional Negotiations Act shall continue to apply in the LEA.

(b) If a local board of education chooses to use the collaborative process of this part, then every three (3) years when it is required under § 49-5-1111(a)(2) to review the professional employee manual for revisions, the local board of education, at least forty-five (45) days prior to any revision being considered, shall decide by a vote of its members whether to continue to use the collaborative process under this part. The local board of education shall certify the result of its vote to the secretary of

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state. If, by a majority vote, the board decides not to continue to use the collaborative problem-solving process of this part, then this part shall no longer be applicable to such local education agency and Part 6 of this chapter shall again apply to the LEA on the date such vote is certified to the secretary of state.

(c) If a local board of education has voted not to use the collaborative problem-solving process of this part whether at the initial vote before September 15, 2011, or at a later date, then three (3) years from the date of any such vote the local board of education shall again decide by majority vote whether it will come under this part. The local board of education shall certify the result of its vote to the secretary of state. If a majority of the members have decided to use the collaborative problem-solving process of this part, then the Education Professional Negotiations Act shall cease to apply in the LEA on the date such vote is certified to the secretary of state.

AND FURTHER AMEND by deleting in the amendatory language of Section 1 of the bill as amended the following language:

(a) This part shall be known and may be cited as the "Advancement of Student Achievement Act".

and by substituting instead the following language:

(a)(1) This section and §§ 49-5-1103 — 49-5-1111 shall be known and may be cited as the "Advancement of Student Achievement Act".

(2) The "Advancement of Student Achievement Act" shall apply only in those LEAs whose local board of education have chosen pursuant to § 49-5-1101 to come under this act.

AND FURTHER AMEND by deleting in the amendatory language of Section 1 of the bill as amended the following language:

Such training program shall be implemented, as appropriate, within each local education agency no later than July 1, 2012.

and by substituting instead the following language:

Such training program shall be implemented, as appropriate, within each local education agency that has chosen to come under this part no later than July 1, 2012.

AND FURTHER AMEND by deleting in the amendatory language of Section 1 of the bill as amended the following language:

(d) Any and all bargaining being conducted pursuant to the Tennessee Education Professional Negotiations Act on the effective date of this act shall be suspended.

and by substituting instead the following language:

(d) Any and all bargaining being conducted pursuant to the Tennessee Education Professional Negotiations Act on the effective date of this act shall be suspended in LEAs that have chosen to come under this part.



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AND FURTHER AMEND by deleting in the amendatory language of Section 1 of the bill as amended the following language:

Upon the termination of any existing agreement, subsequent professional employee relationships between the respective board of education and its professional employees shall be governed by this part.

and by substituting instead the following language:

Upon the termination of any existing agreement, subsequent professional employee relationships between the respective board of education and its professional employees shall be governed by this part; provided, that the local board of education has chosen to come under this part.

AND FURTHER AMEND by adding in the section that was formerly designated "49-5-606. Unlawful acts." of the amendatory language of Section 1 of the bill as amended the following new subsection (a) and by redesignating the remaining subsections accordingly:

(a) The provisions of this section shall apply in those LEAs whose local boards of education have chosen to come under this part.

AND FURTHER AMEND by deleting in the amendatory language of Section 1 of the bill as amended the following language:

(a)(1) Each local board of education shall develop and adopt a professional employee manual that contains the local board's procedures for establishing policies relative to the employment and working conditions of professional employees. The professional employee manual, once adopted, shall be binding on the local education agency until a new or renewed professional employee manual is adopted by the local board of education as provided in subdivision (a)(2).

and by substituting instead the following language:

(a)(1) Each local board of education that has chosen to come under this part shall develop and adopt a professional employee manual that contains the local board's procedures for establishing policies relative to the employment and working conditions of professional employees. The professional employee manual, once adopted, shall be binding on the local education agency until a new or renewed professional employee manual is adopted by the local board of education as provided in subdivision (a)(2).

AND FURTHER AMEND by deleting in the amendatory language of Section 1 of the bill as amended the following language:

Every local board of education shall develop and adopt, as provided in subdivisions (c)(2) through (4), an initial professional employee manual no later than April 17, 2012.

and by substituting instead the following language:

If a local board of education by September 15, 2011, chooses to come under this part, then the local board of education shall develop and adopt an initial professional employee manual, as provided in subdivisions (c)(2) through (4), no later than April 17, 2012.

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AND FURTHER AMEND by deleting the language "board of education" in the amendatory language of Section 4 of the bill as amended and by substituting instead the language "board of education that has chosen to come under Title 49, Chapter 5, Part 11"

AND FURTHER AMEND by deleting in its entirety Section 5 of the bill as amended and by substituting instead the following:

SECTION 5. Tennessee Code Annotated, Section 5-23-107(1), is amended by deleting the language "resolution or negotiated agreement pursuant to Title 49, Chapter 5, Part 6" and by substituting instead the language "resolution, negotiated agreement pursuant to Title 49, Chapter 5, Part 6 or professional employee manual adopted pursuant to § 49-5-1105".

AND FURTHER AMEND by deleting in its entirety Section 9 of the bill as amended and by substituting instead the following:

SECTION 9. Tennessee Code Annotated, Section 49-2-203(a)(6), is amended by designating the existing language as subdivision (A) and by adding the following language as new subdivision (B):

(B) Except as otherwise provided in this title, if the local board of education has adopted a professional employee manual under Chapter 5, Part 11 of this title, establish policies relative to the dismissal of teachers, principals, supervisors and other employees by the director of schools upon sufficient proof of improper conduct, inefficient service or neglect of duty; provided, that no one shall be dismissed without first having been given in writing due notice of the charge or charges and an opportunity for defense;

AND FURTHER AMEND by deleting the language "49-2-203(a)" in the directory language of Section 10 of the bill as amended and by substituting instead the language "49-2-203(b)".

AND FURTHER AMEND by deleting in its entirety Section 12 of the bill as amended and by substituting instead the following:

SECTION 12. Tennessee Code Annotated, Section 49-3-306(h), is amended by adding after the language "and in compliance with § 49-5-611" the language ", if applicable,".

AND FURTHER AMEND by deleting Sections 2, 3, 6, 7, 8, 11, 13 and 14 of the bill as amended in their entireties and by renumbering the remaining sections accordingly.

Senator Johnson moved that Amendment No. 6 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 18  
Noes . . . . . 13

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Roberts, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--18.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--13.

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On motion of Senator Gresham, Amendment No. 1 was withdrawn.

On motion of Senator Gresham, Amendment No. 2 was withdrawn.

On motion of Senator Gresham, Amendment No. 3 was withdrawn.

On motion of Senator Kyle, Amendment No. 4 was withdrawn.

Senator Ketron moved for the previous question on **Senate Bill No. 113**, as amended, which motion failed by the following vote:

Ayes . . . . .	18
Noes . . . . .	12
Present, not voting . . .	1

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Roberts, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--18.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Herron, Kyle, Marrero, Stewart and Tate--12.

Senator present and not voting was: Henry--1.

Thereupon, **Senate Bill No. 113**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	18
Noes . . . . .	14

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Roberts, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--18.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Overbey, Stewart and Tate--14.

A motion to reconsider was tabled.

**MOTION**

Senator Barnes moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 369**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 369** -- Memorials, Recognition -- Members of the United States Armed Forces who brought Osama Bin Laden to justice.

On motion of Senator Barnes, the rules were suspended for the immediate consideration of the resolution.

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On motion, **House Joint Resolution No. 369** was concurred in by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**MOTION**

Senator Yager moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 55, 352, 411, 478, 512, 1007, 1348, 1476, 1721, 1828, 1829, 1836, 1959 and 2016; Senate Joint Resolution No. 213; and House Joint Resolution No. 192** on the calendar for the Committee on State and Local Government for Tuesday, May 3, 2011, which motion prevailed.

**MOTION**

Senator Gresham moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 1366 and 1993** on the calendar for the Committee on Education for Wednesday, May 4, 2011, which motion prevailed.

**MOTION**

Senator Tate moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 346**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 346** -- Memorials, Retirement -- Mary Hardy.

On motion of Senator Tate, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 346** was concurred in.

A motion to reconsider was tabled.

**MOTION**

Senator Tate moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 347**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 347** -- Memorials, Retirement -- Essie Lee Murphy-Richardson.

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On motion of Senator Tate, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 347** was concurred in.

A motion to reconsider was tabled.

**MOTION**

Senator Tate moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 348**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 348** -- Memorials, Retirement -- Betty Jean McKissack-McDaniel.

On motion of Senator Tate, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 348** was concurred in.

A motion to reconsider was tabled.

**NOTICES**

**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1055, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1405, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MOTION**

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 166 and 194; and House Joint Resolutions Nos. 291, 297 and 302.**

On motion of Senators Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris,

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Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 572**.

On motion of Senator Johnson, his name was added as sponsor of **Senate Bill No. 624**.

On motion of Senator Beavers, her name was added as prime sponsor of **Senate Bill No. 632**.

On motion of Senator Ketron, his name was removed as sponsor of **Senate Bill No. 632**.

On motion of Senator Stewart, his name was added as sponsor of **Senate Bill No. 710**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bill No. 943**; and **House Joint Resolution No. 303**.

On motion of Senator Burks, her name was added as prime sponsor of **Senate Bill No. 1007**.

On motion of Senator McNally, his name was removed as sponsor of **Senate Bill No. 1007**.

On motion of Senators Beavers, Johnson and Kyle, their names were added as sponsors of **Senate Bill No. 1158**.

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 1391**.

On motion of Senators Harper and Haynes, their names were added as sponsors of **Senate Bill No. 1416**.

On motion of Senator Tracy, his name was added as prime sponsor of **Senate Bill No. 1801**.

On motion of Senator Henry, his name was removed as sponsor of **Senate Bill No. 1801**.

On motion of Senators Kyle and Marrero, their names were added as sponsors of **Senate Joint Resolution No. 103**.

On motion of Senators Yager, Berke, Overbey and Ford, their names were added as sponsors of **House Joint Resolution No. 57**.

On motion of Senator Marrero, her name was added as sponsor of **House Joint Resolutions Nos. 58, 297 and 302**.

On motion of Senators Overbey, Ford and Marrero, their names were added as sponsors of **House Joint Resolution No. 151**.

On motion of Senator Henry, his name was added as sponsor of **House Joint Resolution No. 298**.

On motion of Senator Norris, his name was added as sponsor of **House Joint Resolutions Nos. 300, 301 and 302**.

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On motion of Senator Kyle, his name was added as sponsor of **House Joint Resolutions Nos. 300, 301 and 307.**

On motion of Senator Barnes, his name was added as sponsor of **House Joint Resolution No. 307.**

On motion of Senator Roberts, his name was added as sponsor of **House Joint Resolutions Nos. 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322 and 323.**

On motion of Mr. Speaker Ramsey, his name was added as sponsor of **House Joint Resolution No. 324.**

On motion of Senators Herron, Barnes, Yager and Finney, their names were added as sponsors of **House Joint Resolution No. 326.**

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 369.**

**ENGROSSED BILLS**

May 2, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 88, 113, 572, 710, 1045, 1391, 1416, 1557, 1824, 1936 and 1988; and Senate Joint Resolutions Nos. 103, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292 and 293; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 301, 690, 773, 968, 1222, 1243, 1305, 1332, 1457, 1591, 1713, 1760, 1924 and 2039; passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 19, 23, 156, 199, 218, 352, 353, 354, 355, 356, 357, 358 and 362; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

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**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 369, adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 349 and 1391, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 798, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 845 and 1173, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1087, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1538, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.



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**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2103, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 46, concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 177, 225, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274 and 275; concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**ENROLLED BILLS**

May 3, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 349, 798, 845, 1087, 1173, 1391, 1538 and 2103; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

May 3, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 46, 177, 225, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274 and 275; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

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**ENROLLED BILLS**

May 3, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolution No. 30, and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 385, 566, 584, 588, 1134, 2132, 2141, 2142, 2143, 2144 and 2148; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 3, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 57, 58, 151, 290, 291, 292, 293, 294, 295, 296, 297, 298, 300, 301, 302, 303, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 326, 328, 346, 347, 348 and 369; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

May 2, 2011

The Speaker announced that he had signed the following: Senate Bills Nos. 235, 265, 483 and 655.

**SIGNED**

May 2, 2011

The Speaker announced that he had signed the following: House Bills Nos. 385, 566, 584, 588, 1134, 2132, 2141, 2142, 2143, 2144 and 2148.

**SIGNED**

May 3, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 46, 177, 225, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274 and 275.

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**SIGNED**

May 3, 2011

The Speaker announced that he had signed the following: Senate Resolution No. 30.

**SIGNED**

May 3, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 57, 58, 151, 290, 291, 292, 293, 294, 295, 296, 297, 298, 300, 301, 302, 303, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 326, 328, 346, 347, 348 and 369.

**MESSAGE FROM THE HOUSE**

May 2, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 52, 350, 836 and 1171; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 3, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 46, 177, 225, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274 and 275; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

May 2, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 52, 350, 836 and 1171; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

May 3, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 46, 177, 225, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274 and 275; for his action.

M. SCOTT SLOAN,  
Chief Engrossing Clerk.

**MONDAY, MAY 2, 2011 -- 29TH LEGISLATIVE DAY**

**MESSAGE FROM THE GOVERNOR**

May 2, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 24, 207, 330, 490, 610, 717, 761, 1008, 1209 and 1532; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, May 4, 2011: Senate Joint Resolutions Nos. 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306 and 307; Senate Resolutions Nos. 31, 32, 33, 34 and 35; and House Joint Resolutions Nos. 330, 331, 332, 333, 334, 335, 336, 337 and 338.

This the 2nd day of May, 2011.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, May 4, 2011: Senate Joint Resolution No. 200; and Senate Bills Nos. 107, 164, 167, 168, 171, 172, 173, 199, 185, 200, 203, 226, 296, 439, 616, 1039, 1214, 1672 and 1726.

This the 2nd day of May, 2011.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 5, 2011: House Joint Resolutions Nos. 339, 341, 342, 343, 344, 345 and 349.

This the 3rd day of May, 2011.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 5, 2011: Senate Bills Nos. 321, 369, 522, 559, 607, 764, 803, 817, 950, 1033, 1065, 1935, 49, 426, 756, 935, 1009, 1145, 1438, 1468 and 1471.

This the 3rd day of May, 2011.  
MIKE FAULK, Chairperson.

**MONDAY, MAY 2, 2011 -- 29TH LEGISLATIVE DAY**

**REPORT OF COMMITTEE ON CALENDAR  
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Thursday, May 5, 2011: Senate Bills Nos. 509, 1055 and 1405.

This the 3rd day of May, 2011.  
MIKE FAULK, Chairperson.

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 8:30 a.m., Wednesday, May 4, 2011, which motion prevailed.